



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 31, 2023

BY ECF

The Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

SO ORDERED:

George B. Daniels
George B. Daniels, U.S.D.J.

Dated: **FEB 07 2023**

Re: *United States v. Gutemberg Dos Santos et al.*, S1 20 Cr. 398 (GBD)

Dear Judge Daniels:

At this time, the Government anticipates that defendants Pablo Renato Rodriguez, Scott Hughes, Cecilia Millan, and Jackie Aguilar will proceed to trial. The Government respectfully submits this letter on behalf of the parties to inform the Court that, in advance of the May 1, 2023 trial date, the parties jointly propose the following pretrial disclosure deadlines, which they request that the Court adopt:

March 31, 2023: The parties provide notice, consistent with the requirement of Federal Rule of Criminal Procedure 16, of experts potentially to be called during their respective cases in chief.

The Government provides notice (consistent with Rule 16) to the defendants of evidence it may seek to offer pursuant to Federal Rule of Evidence 404(b).

The parties file motions *in limine*.

April 14, 2023: The parties provide notice, consistent with Federal Rule of Criminal Procedure 16, of any rebuttal experts potentially to be called in response to the parties' March 31 expert disclosures.

April 17, 2023: The parties file responses to motions *in limine*.

April 18, 2023: The Government provides to the defendant a list of witnesses whom the Government reasonably expects to call in its case-in-chief.

The Government provides the defendant a list of exhibits the

Government reasonably expects to seek to introduce during its case-in-chief. This exhibit list will be subject to good-faith revision as the Government continues to prepare its case for trial, including in response to the defendant's lists of proposed exhibits that it anticipates seeking to introduce into evidence during the Government's case-in-chief.

The Government provides to the defendant material covered by 18 U.S.C. § 3500 and *Giglio v. United States*, 405 U.S. 150 (1972), to the extent it was not previously produced to the defendant.

The defendant to produce material covered by Rule 16(b)(1)(A).

April 24, 2023: The parties file their respective proposed *voir dire*, proposed jury instructions, and proposed verdict sheets.

The defendant provides to the Government a list of exhibits that the defendant reasonably expects to seek to introduce during the Government's case-in-chief. This exhibit list will be subject to good-faith revision as the defendant continues to prepare for his case.

The defendant provides to the Government a list of witnesses whom the defendant reasonably expects to call in his case.

The defendant provides the Government a list of exhibits that he reasonably expects to seek to introduce during his case. This exhibit list will be subject to good-faith revision as the defendant continues to prepare for his case.

April 28, 2023: The defendant provides to the Government material covered by Federal Rule of Criminal Procedure 26.2.

The parties recognize that 18 U.S.C. § 3500 and Rule 26.2 obligations are continuing, so when new material is generated after the pertinent deadline described above, such material will be timely provided. The parties have also agreed that, consistent with Rule 26.2(c), if any party intends to withhold any such material on the ground of privilege or work-product, it will provide that material to the Court for timely review.

In addition to the schedule above, the parties will confer and try to reach an agreement regarding the following issues, which are designed to narrow or moot disputes, specifically: (1) attempting in good faith to share any proposed summary chart before it will be sought to be introduced, notwithstanding the foregoing, to permit the opposing party to review the accuracy

of the chart; (2) sharing any visuals or slides to be used in opening statements, at least one business day before such statements; and (3) alerting the opposing party to (a) the next 3 days' witnesses, in anticipated order, and (b) the exhibits expected to be sought to be introduced through those witnesses, and the party to whom such disclosure is made will provide any objections to such exhibits at least one day before the witness is scheduled to be called, so that the parties may confer and then be prepared, if necessary, to timely raise any objections with the Court.

Furthermore, both the Government and the defendant anticipate timely agreeing to stipulations to avoid the need to call custodians of records or otherwise to authenticate evidence or the accuracy of transcripts, and the parties agree that the dates set forth herein do not alter the parties' reciprocal discovery obligations or the obligation to produce materials obtained pursuant to Federal Rule of Criminal Procedure 17(c), absent an order to the contrary.

Respectfully submitted,

DAMIAN WILLIAMS

United States Attorney

By: /s/

Kiersten A. Fletcher/Cecilia E. Vogel/

Samuel Raymond

Assistant United States Attorneys

(212) 637-2238/1084/6519

cc by ECF: Peter Katz, Esq. (counsel for Pablo Renato Rodriguez)

Michael Hueston, Esq. (counsel for Scott Hughes)

Zachary Taylor, Esq. (counsel for Cecilia Millan)

Samuel Gregory, Esq. (counsel for Cecilia Millan)

Robert Del Grosso (counsel for Jackie Aguilar)